REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 2, 2004. Claims 1-20 and 22-40 were pending in the Application. In the Final Office Action, the Examiner rejected Claims 1-40. Applicant respectfully indicates to the Examiner that Claim 21 was canceled without prejudice or disclaimer in the Response filed September 24, 2003, in response to the Office Action mailed August 11, 2003. Thus, Applicant respectfully submits that the Examiner's rejection of Claim 21 is in error. Thus, Claims 1-20 and 22-40 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-7, 9-13, 15-19, 22-29, 31-38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,812,732 issued to Dettmer et al. (hereinafter *"Dettmer"*). Applicant respectfully traverses this rejection.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131.

Independent Claim 1 is a method for detecting the border of recorded video data reciting the following:

> analyzing a plurality of video frames, the plurality of video frames comprising recorded data content and unrecorded data content; and
> identifying at least one frame of the unrecorded data content as a border of the recorded data content.

Applicant respectfully submits that *Dettmer* does not disclose or even suggest each and every limitation recited by Claim 1. For example, *Dettmer* does not disclose or even suggest "analyzing a plurality of video frames" where the video frames comprise "recorded

data content and unrecorded data content" and "identifying at least one frame of the unrecorded data content as a border of the recorded data content" as recited by Claim 1.

Dettmer discloses a method and apparatus for discerning between a television program and commercials. (Dettmer, Abstract, lines 1-3). Dettmer discloses a method and apparatus for detecting changes in signals between program and commercial segments of a television signal. (Dettmer, column 2, lines 40-44). Dettmer discloses that commercial segments of a television signal may be detected so that the commercial segments are either not recorded, skipped during playback, or not copied. (Dettmer, column 4, lines 23-26). Thus, Dettmer does not disclose or even suggest "analyzing a plurality of video frames" where the video frames comprise "recorded data content and unrecorded data content" and "identifying at least one frame of the unrecorded data content as a border of the recorded data content" as recited by Claim 1. (emphasis added). Therefore, for at least this reason, Applicant respectfully submits that Dettmer does not anticipate Claim 1.

Additionally, the Examiner states that Dettmer discloses that "a plurality of video frames are analyzed above by the 'measure of the difference of two successive frames . . .' and the data in the frames comprise recorded and unrecorded content." (Final Office Action, page 2). Applicant respectfully disagrees. Dettmer discloses that the detection of a commercial segment may be performed in real time from a television signal or may be performed from a recorded television signal. (Dettmer, column 3, lines 33-39). Thus, the successive frames referred to by the Examiner in Dettmer comprise either program content or commercial content, in contrast to "recorded data content and unrecorded data content" as recited by Claim 1. Thus, Claim 1 recites that the "video frames compris[e] recorded data content and unrecorded data content," in contrast to Dettmer in which a decision is made whether to record the content. Accordingly, Dettmer does not disclose or even suggest "analyzing a plurality of video frames" where the video frames comprise "recorded data content and unrecorded data content" or "identifying at least one frame of the unrecorded data content as a border of the recorded data content" as recited by Claim 1. Therefore, for this reason also, Dettmer does not anticipate Claim 1.

Claims 2-7 that depend from independent Claim 1 are also not anticipated by Dettmer because they incorporate the limitations of Claim 1 and add additional elements that further

distinguish *Dettmer*. Therefore, Applicant respectfully requests that the rejection of Claims 2-7 be withdrawn.

Independent Claim 9 recites "a border detection module . . . operable to receive a plurality of video frames" where the video frames comprise "recorded data content and unrecorded data content," and where the border detection module analyzes the video frames and identifies "at least one frame of the unrecorded data content as a border of the recorded data content." Independent Claim 15 recites "logic residing on [a border detection] module . . . operable to receive a plurality of video frames" where the video frames comprise "recorded data content and unrecorded data content," and where the logic is operable to analyze the video frames to "identify at least one frame of the unrecorded data content as a border of the recorded data content." As discussed above in connection with independent Claim 1, *Dettmer* discloses a method and apparatus for discerning between a television program and commercials, and *Dettmer* does not disclose or even suggest analyzing video data to identify "recorded data content" and "unrecorded data content" and "identify at least one frame of the unrecorded data content as a border of the recorded data content" as recited by Claims 9 and 15. (emphasis added). Therefore, Applicant respectfully submits that *Dettmer* does not anticipate Claims 9 and 15.

Claims 10-13, 16-19 and 22 that depend from independent Claims 9 and 15, respectfully, are also not anticipated by *Dettmer* because they incorporate the limitations of Claims 9 and 15, respectfully, and add additional elements that further distinguish *Dettmer*. Therefore, Applicant respectfully requests that the rejection of Claims 10-13, 16-19 and 22 be withdrawn.

Independent Claims 23 and 29 each recite "logic adapted to compare at least two video frames of the video data . . . [and] identify at least one of the two video frames as a border between unrecorded data content of the video data and recorded data content of the video data." As discussed above in connection with independent Claims 1, 9 and 15, *Dettmer* discloses a method and apparatus for discerning between a television program and commercials, and *Dettmer* does not disclose or even suggest identifying "a border between unrecorded data content of the video data and recorded data content of the video data" as

recited by Claims 23 and 29. (emphasis added). Therefore, Applicant respectfully submits that *Dettmer* does not anticipate Claims 23 and 29.

Claims 24-28 and 31-35 that depend from independent Claims 23 and 29, respectfully, are also not anticipated by *Dettmer* because they incorporate the limitations of Claims 23 and 29, respectfully, and add additional elements that further distinguish *Dettmer*. Therefore, Applicant respectfully requests that the rejection of Claims 24-28 and 31-35 be withdrawn.

Independent Claim 36 recites "means for identifying at least one of the plurality of video frames as a border between recorded data content of the video data and unrecorded data content of the video data." As discussed above in connection with independent Claims 1, 9, 15, 23 and 29, *Dettmer* discloses a method and apparatus for discerning between a television program and commercials, and *Dettmer* does not disclose or even suggest "identifying at least one of the plurality of video frames as a border between <u>recorded data content of the video data</u> and <u>unrecorded data content of the video data</u>" as recited by Claim 36. (emphasis added). Therefore, Applicant respectfully submits that *Dettmer* does not anticipate Claim 36.

Claims 37-38 and 40 that depend from independent Claim 36 are also not anticipated by *Dettmer* because they incorporate the limitations of Claim 36 and add additional elements that further distinguish *Dettmer*. Therefore, Applicant respectfully requests that the rejection of Claims 37-38 and 40 be withdrawn.

SECTION 103 REJECTIONS

The Examiner rejected Claims 8, 14 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Dettmer* in view of U.S. Patent No. 5,343,251 issued to Nafeh. Applicant respectfully traverses this rejection. Additionally, the Examiner refers generally to Claims 30 and 39 on page 10 of the Final Office Action. However, the Examiner does not explicitly reject Claims 30 and 39. Therefore, Applicant respectfully requests clarification as to the status of Claims 30 and 39, and, if Claims 30 and 39 are rejected, Applicant respectfully traverses a rejection of Claims 30 and 39.

Claim 8 depends from independent Claim 1, Claim 14 depends from independent Claim 9, Claim 20 depends from independent Claim 15, Claim 30 depends from independent Claim 29, and Claim 39 depends from independent Claim 36. As discussed above, independent Claims 1, 9, 15, 29 and 36 are allowable over the cited references. Therefore, Claims 8, 14, 20, 30 and 39 that depend from independent Claims 1, 9, 15, 29 and 35, respectfully, are also allowable, and Applicant respectfully requests that this rejection be withdrawn.
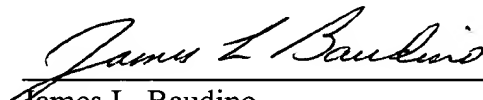
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

Date: 2-19-04

James L. Baudino
Registration No. 43,486

Correspondence To:
Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400
Tel. (970) 898-3884